

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RAYMOND FRILEY, #K4969

PETITIONER

VS.

CIVIL ACTION NO. 5:05-cv-124 (DCB) (MTP)

JACK PARKER, Warden; and
JIM HOOD, Attorney General

RESPONDENTS

ORDER

This cause is before the Court on the petitioner Raymond Friley's motion to proceed **(docket entry 43)** and to amend **(docket entry 44)**, which the Court treats as a motion to reopen this case. Having carefully considered the motions and response, and being fully advised in the premises, the Court finds as follows:

On June 22, 2007, this Court entered a Judgment of Dismissal, dismissing the petitioner's claims without prejudice for failure to exhaust. The petitioner contends that his case should be reopened because he has now exhausted his state court remedies. Since this case has been dismissed, Friley's proper course of action is to file a new habeas petition. Accordingly,

IT IS HEREBY ORDERED that the petitioner's motion to proceed **(docket entry 43)** and to amend **(docket entry 44)**, which the Court treats as a motion to reopen this case, are DENIED.

SO ORDERED, this the 15th day of January, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE